

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>MARGARET CLARK,</b>	:	Case No.: 1:16-cv-01157-TSB
	:	
Plaintiff	:	Judge Timothy S. Black
	:	
-vs-	:	
	:	<b>ANSWER OF DEFENDANTS</b>
	:	
<b>JEREMY GOTWALS, ET AL.</b>	:	
	:	
Defendants.	:	
	:	

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Now Come Defendants Jeremy Gotwals, Gotwals Media Group, LLC and Holon Publishers (“Defendants”), through counsel, and for their Answer in response to the Complaint (the “Complaint”) filed by Plaintiff Margaret Clark (“Plaintiff”) states as follows:

**ANSWER**

1. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Complaint, and, therefore, denies the same.
2. Defendants admit the allegations in paragraph 2 of the Complaint.
3. Defendants admit the allegations in paragraph 3 of the Complaint.
4. Defendants deny the allegations in paragraph 4 of the Complaint.
5. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5 of the Complaint, and, therefore, denies the same.

6. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6 of the Complaint, and, therefore, denies the same.
7. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the Complaint, and, therefore, denies the same.
8. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the Complaint, and, therefore, denies the same.
9. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 9 of the Complaint, and, therefore, denies the same.
10. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10 of the Complaint, and, therefore, denies the same.
11. Defendants admit the allegations in paragraph 11 of the Complaint.
12. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 12 of the Complaint, and, therefore, denies the same.
13. Defendants admit the allegations in paragraph 13 of the Complaint.
14. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 14 of the Complaint, and, therefore, denies the same.
15. Defendants admit the allegations in paragraph 15 of the Complaint.

16. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16 of the Complaint, and, therefore, denies the same.
17. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 17 of the Complaint, and, therefore, denies the same.
18. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 18 of the Complaint, and, therefore, denies the same.
19. Defendants deny the allegations in paragraph 19 of the Complaint.
20. Defendants restate their previous responses per paragraph 20 of the Complaint.
21. Defendants deny the allegations in paragraph 21 of the Complaint.
22. Defendants restate their previous responses per paragraph 22 of the Complaint.
23. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23 of the Complaint, and, therefore, denies the same.
24. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 24 of the Complaint, and, therefore, denies the same.
25. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 25 of the Complaint, and, therefore, denies the same.

26. Defendants deny the allegations in paragraph 26 of the Complaint.
27. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 27 of the Complaint, and, therefore, denies the same.
28. Defendants admit the allegations in paragraph 28 of the Complaint.
29. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 29 of the Complaint, and, therefore, denies the same.
30. Defendants restate their previous responses per paragraph 30 of the Complaint.
31. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 31 of the Complaint, and, therefore, denies the same.
32. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 32 of the Complaint, and, therefore, denies the same.
33. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 33 of the Complaint, and, therefore, denies the same.
34. Defendants deny the allegations in paragraph 34 of the Complaint.
35. Defendants deny the allegations in paragraph 35 of the Complaint.
36. Defendants deny the allegations in paragraph 36 of the Complaint.
37. Defendants restate their previous responses per paragraph 37 of the Complaint.

- 38. Defendants deny the allegations in paragraph 38 of the Complaint.
- 39. Defendants deny the allegations in paragraph 39 of the Complaint.
- 40. Defendants deny the allegations in paragraph 40 of the Complaint.
- 41. Defendants deny the allegations in paragraph 41 of the Complaint.
- 42. Defendants deny the allegations in paragraph 42 of the Complaint.
- 43. Defendants restate their previous responses per paragraph 43 of the Complaint.
- 44. Defendants deny the allegations in paragraph 44 of the Complaint.
- 45. Defendants deny the allegations in paragraph 45 of the Complaint.
- 46. Defendants deny the allegations in paragraph 46 of the Complaint.
- 47. Defendants deny the allegations in paragraph 47 of the Complaint.
- 48. Defendants restate their previous responses per paragraph 48 of the Complaint.
- 49. Defendants deny the allegations in paragraph 49 of the Complaint.
- 50. Defendants deny the allegations in paragraph 50 of the Complaint.
- 51. Defendants deny the allegations in paragraph 51 of the Complaint.

**FIRST AFFIRMATIVE DEFENSE**

- 52. The Complaint fails to state a claim upon which relief can be granted against Defendants.

**SECOND AFFIRMATIVE DEFENSE**

- 53. Plaintiff's claims against Defendants are barred by the doctrine of estoppel and/or waiver.

**THIRD AFFIRMATIVE DEFENSE**

54. Plaintiff's claims against Defendants are barred by the statute of frauds.

**FOURTH AFFIRMATIVE DEFENSE**

55. Plaintiff's claims against Defendants are barred, in whole or part, as a result of release.

**FIFTH AFFIRMATIVE DEFENSE**

56. The damages alleged by Plaintiff are subject to a set-off for monies owed to Defendants.

**SIXTH AFFIRMATIVE DEFENSE**

57. The Complaint fails to attach the Contract alleged by Plaintiff.

**SEVENTH AFFIRMATIVE DEFENSE**

58. Plaintiff's claims are barred, in whole or part, by failure to mitigate its damages.

**EIGHTH AFFIRMATIVE DEFENSE**

59. Plaintiff's claims against Defendants are barred, in whole or part, by the doctrine of ratification, consent, and or acquiescence.

**NINTH AFFIRMATIVE DEFENSE**

60. Plaintiff's claims against Defendants are barred due to the failure of performance or occurrence of a condition precedent and/or subsequent.

**TENTH AFFIRMATIVE DEFENSE**

61. Plaintiff's claims against Defendants are barred by the doctrine of unclean hands.

**ELEVENTH AFFIRMATIVE DEFENSE**

62. Defendants reserve the right to assert additional affirmative or other defenses which may appear merited based upon discovery.

**WHEREFORE**, Defendants demand that the claims in Plaintiff's Complaint be dismissed with prejudice, that the Court award Defendants the costs, including reasonable attorney's fees, associated with the defense of this action, and for any other relief to which Defendants may be entitled.

Respectfully submitted,

**/s/ J. Thomas Hodges**  
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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and correct copy of the foregoing was served electronically on March 28, 2017, to all counsel of record through the Court's electronic filing system.

**/s/ J. Thomas Hodges**